

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading September 28, 2009
Case/Project No.: FY09-10B Resolution No. 09-282
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on October 12, 2009, for the Oak Street Sanitary Sewer Relocation. Project # FY09-10B.

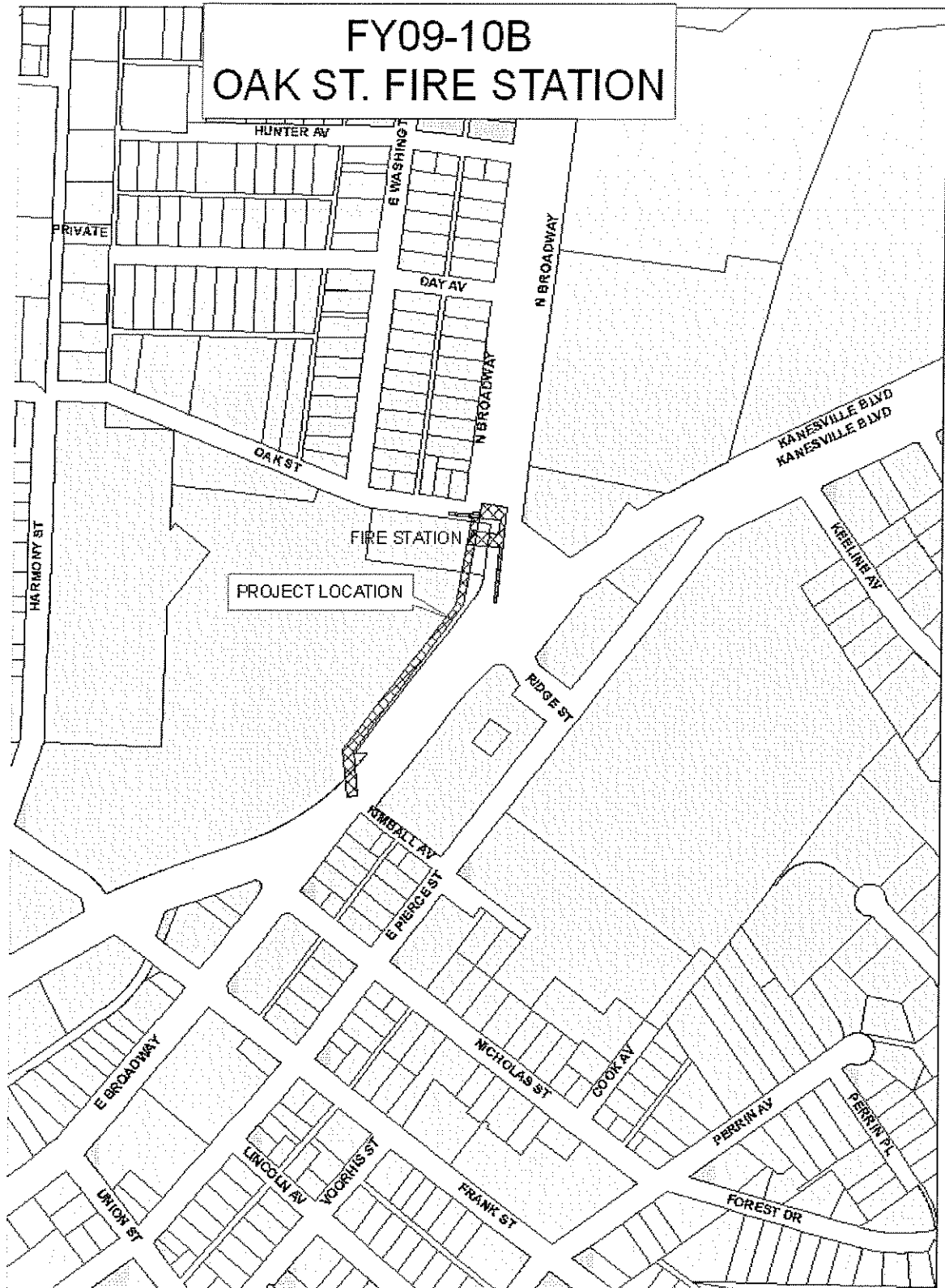
BACKGROUND/DISCUSSION

- Approximately 150 homes are served by the sanitary sewer in Oak Street that traverses east on Oak Street to a siphon structure under Indian Creek to the sanitary sewer main located east of the creek in North Broadway.
- The Oak Street Fire Station Bridge, CIP project FY09-10A will be replaced in 2010 with a new culvert structure.
- Construction of the Fire Station Bridge will require driving steel sheetpile which will sever the Oak Street sanitary line requiring by-pass pumping of the sanitary for the duration of the project.
- The sanitary siphon structure for the Oak Street sanitary under Indian Creek is old and most likely will require replacement.
- Siphon structures are high maintenance and can result in sanitary backups due to plugging.
- To eliminate the need the by-pass pumping of sanitary for the Fire Station Bridge replacement and to delete a siphon structure this project will construct a gravity flow sanitary sewer from Oak Street to the sanitary sewer in Kanesville Blvd. west of North Broadway.
- The project is programmed in the CIP for FY09 as Project FY09-10B. The project will be completed prior to the Fire Station Bridge replacement in 2010. The project cost is \$140,000 and is funded by G. O. Bonds.
- The project schedule is Set Public Hearing, September 28, 2009; Hold Public Hearing, October 12, 2009; Bid Letting, October 29, 2009; and Awarding November 9, 2009.

RECOMMENDATION

Approval of this resolution.

FY09-10B OAK ST. FIRE STATION



RESOLUTION
NO 09-282

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
OAK STREET SANITARY SEWER RELOCATION
FY09-10B**

WHEREAS, the City wishes to make improvements known as the
Oak Street Sanitary Sewer Relocation, within the City,
as therein described; and

WHEREAS, the plans, specifications, form of contract and cost
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Oak Street Sanitary Sewer Relocation setting October 12, 09 at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

September 28, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading September 28, 2009
Case/Project No.: FY10-06A Resolution No. 09-283
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on October 12, 2009, for the 29th Avenue Outfall Relocation for I-80/I-29 Reconstruction Segment 2. Project #FY10-06A.

BACKGROUND/DISCUSSION

- The Iowa DOT is reconstructing I-80/I-29 through Council Bluffs. The new interstate location conflicts with the 29th Avenue outfall sewer. The Iowa DOT has instructed the city to relocate this sewer by July 2010.
- The relocation involves moving the sewer alignment out of the interstate work zone prior to interstate construction.
- IDOT agreement addressing reimbursement has been approved by council.
- Tentative schedule is as follows:

Set Public Hearing	September 28, 2009
Hold Public Hearing	October 12, 1009
Letting	November 10 , 2009
Contract Award	November 23, 2009
Construction Beginning	December, 2009
Completed	July 1, 2010

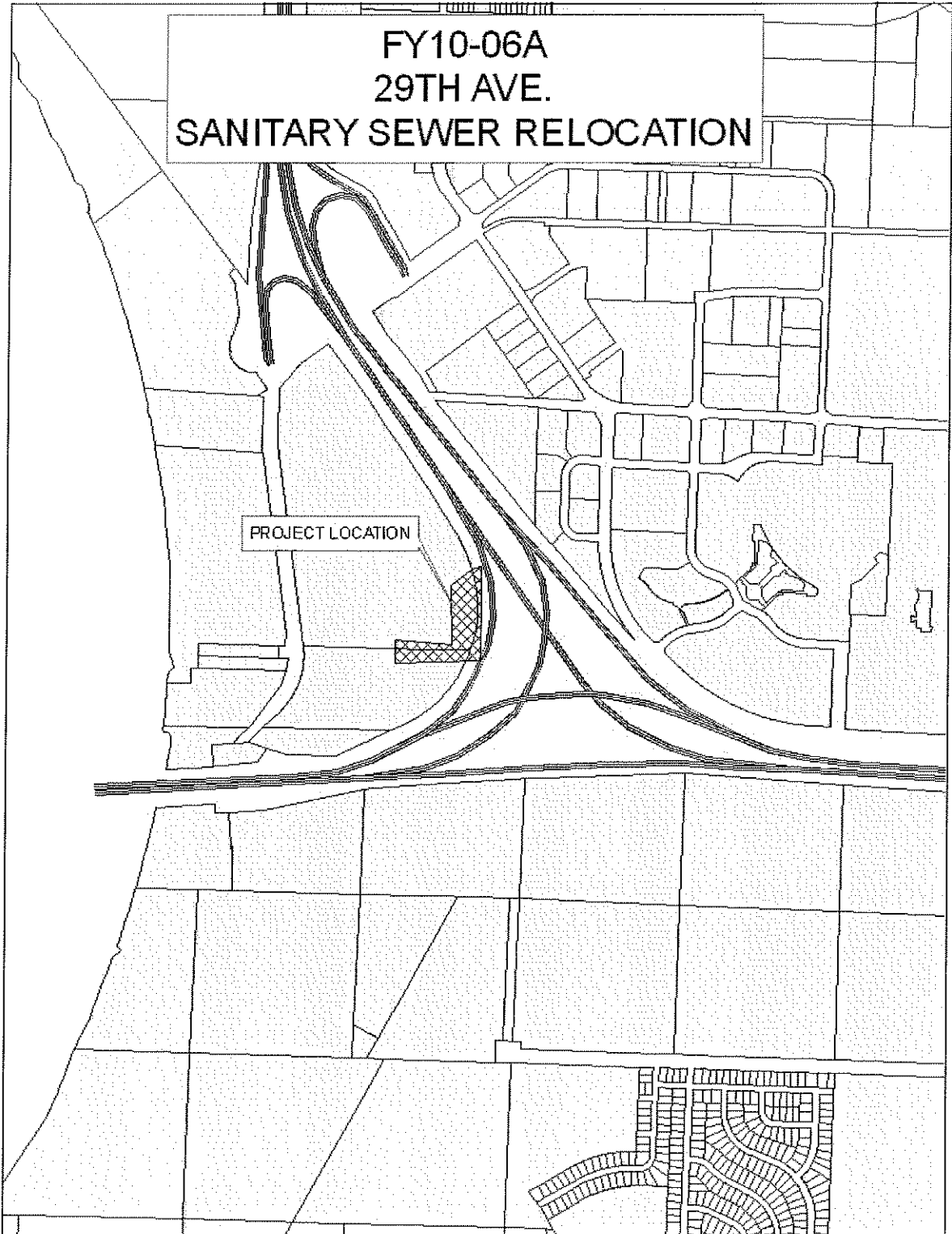
- This is project FY10-06A and is estimated at \$1.22 Million. It is anticipated that IDOT will reimburse 97%. Therefore, the City's share will be \$37,000 and be funded with Sales Tax.

RECOMMENDATION

Approval of this resolution.

FY10-06A
29TH AVE.
SANITARY SEWER RELOCATION

PROJECT LOCATION



RESOLUTION
NO 09-283

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
29TH AVENUE OUTFALL RELOCATION FOR I-80/I-29
RECONSTRUCTION SEGMENT 2
FY10-06A**

WHEREAS, the City wishes to make improvements known as the
29th Avenue Outfall Relocation for I-80/I-29 Reconstruction
Segment 2, within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of
contract and cost estimate for the 29th Avenue Outfall Relocation for I-80/I-29 Reconstruction
Segment 2 setting October 12, 2009, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

September 28, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading September 28, 2009
Case/Project No.: FY11-22 Resolution No. 09-295
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on October 12, 2009, for the CBPW Operations Facility-Site Preparations- Project I CIP #FY11-22.

BACKGROUND/DISCUSSION

- Recently the State of Iowa initiated the IJOBS program. It is a multipart program funded by \$830 million over three years. The program intent is to assist the state in recovery from natural disasters in 2008 and to create or preserve jobs.
- The city has been successful in obtaining an IJOBS grant in the amount of \$3,869,000.
- The grant provides for construction of a 37,400 SF joint operations center housing Council Bluffs Public Works Street, Sewer, and Traffic Maintenance personnel and equipment. The facility would be located on a parcel of ground the city has previously purchased to accommodate the eventual relocation of all public works divisions to a central location. The proposed building will house 65 employees and 60 major pieces of equipment. In the spring of 2009 a new \$5 million Fleet Maintenance Facility was located on this site. Total cost of the project is \$7,738,000.
- To fast track the construction, a site preparation contract is proposed. The work consists of removal of existing rubble fill at the site located at 10th Avenue and 10th Street. Rubble fill will be removed under proposed parking lots and buildings, and will be replaced with clean fill. Building pads will also be surcharged so that they are ready for spring construction.
- Estimated cost of the site preparation is \$535,000. 50% will be funded by IJOBS and the city match will be funded with G. O. Bonds, gaming funds, road use tax funds, and sewer funds.
- Project schedule provides for a public hearing on October 12, 2009, November 3, 2009, letting and November 9, 2009 contract award.

RECOMMENDATION

Approval of this resolution.

RESOLUTION
NO 09-295

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
CBPW OPERATIONS FACILITY-SITE PREPARATION- PROJECT I
FY11-22**

WHEREAS, the City wishes to make improvements known as the
CBPW Operations Facility-Site Preparation-Project I,
within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the CBPW Operations Facility-Site Preparation-Project I setting October 12, 2009, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

September 28, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

Council Communication

Department: Community Development Case No.: URN-09-002 Applicant: Community Development Department	Resolution No.: 09-284	City Council: September 28, 2009 Planning Commission: September 8, 2009 First Reading: N/A Second Reading: N/A Third Reading: N/A						
Subject/Title								
2009 Amendment to the Bluffs Center I Urban Renewal Plan								
Location								
Downtown Council Bluffs – bounded on the north by Kanesville Boulevard, Washington Avenue and Avenue B; on the south by Pierce Street, Willow Avenue and 2 nd Avenue; on the west by the Union Pacific right-of-way (near 11 th Street); and on the east by Benton Street								
Background/Discussion								
<p><u>Background</u></p> <p>In March of 1969, City Council adopted the Bluffs Center I Urban Renewal Plan. This plan was intended to assist with the acquisition of land, removal of blighted, incompatible or undesirable land uses, improvement of public infrastructure and facilities and private development or redevelopment projects. For the past four decades the City of Council Bluffs has been involved in a series of projects and programs designed to achieve the above objectives and overcome blight and obsolescence within the downtown area and surrounding neighborhoods. During this time, the Urban Renewal Plan has been amended numerous times to reflect the addition and completion of projects, the addition of area and legislative changes.</p> <p>The urban renewal plan is again in need of amending, to update proposed project area activities, including costs and public debt and to modify the effective term of the plan.</p> <p><u>Discussion</u></p> <p>On August 24, 2009, the City Council passed a resolution of necessity, which directed staff to initiate the process of amending the Bluffs Center I Urban Renewal Plan and Area. This resolution established the following actions and timeframes:</p> <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 40px;">September 8, 2009</td> <td>City Planning Commission hearing and review</td> </tr> <tr> <td>September 10, 2009</td> <td>Consultation hearing with affected taxing jurisdictions</td> </tr> <tr> <td>September 28, 2009</td> <td>City Council public hearing</td> </tr> </table> <p>The consultation hearing was held on September 10, 2009 and no individuals or groups appeared at the hearing. Additionally, no written correspondence has been received by the Community Development Department either in support or against the proposed amendment.</p> <p>Iowa statutes require the City Planning Commission to review the amended plan for conformity to the comprehensive plan and to forward a recommendation to City Council prior to public hearing. The City Planning Commission reviewed the amended plan on September 8, 2009 and approved it as presented.</p> <p>An amendment to the urban renewal plan conforming to the requirements of Chapter 403 of the Iowa Code has been prepared. This amended plan also conforms to the general development plan of the City as a whole and is attached for your review.</p>			September 8, 2009	City Planning Commission hearing and review	September 10, 2009	Consultation hearing with affected taxing jurisdictions	September 28, 2009	City Council public hearing
September 8, 2009	City Planning Commission hearing and review							
September 10, 2009	Consultation hearing with affected taxing jurisdictions							
September 28, 2009	City Council public hearing							
Staff Recommendation								
The Community Development Department recommends approval of the 2009 Amendment to the Bluffs Center I Urban Renewal Plan.								
Public Hearing								
Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.								
Planning Commission Recommendation								
The Planning Commission recommends approval of the 2009 Amendment to the Bluffs Center I Urban Renewal Plan, as presented.								
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried								
Attachments								
2009 Amendment to the Bluffs Center I Urban Renewal Plan								
Submitted by: Brenda Carrico, Program Coordinator, Community Development Department								
Approved by: Donald D. Gross, Director, Community Development Department								

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the City of Council Bluffs, State of Iowa.
Date of Meeting: September 28, 2009.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

- Public hearing on the proposed 2009 Amendment to the Bluffs Center I Urban Renewal Plan.
- Resolution determining an area of the City to be a blighted area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for an Urban Renewal Project; and adopting the 2009 Amendment to the Bluffs Center I Urban Renewal Plan therefor.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

Marcia L. Worden, City Clerk
City of Council Bluffs, State of Iowa

September 28, 2009

The City Council of the City of Council Bluffs, State of Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P.M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent:

* * * * *

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed 2009 Amendment to the Bluffs Center I Urban Renewal Plan, the Mayor first asked for the report of the Designated Representative with respect to the consultation held with the affected taxing entities to discuss the proposed Plan. The Council was informed that the consultation was duly held as ordered by the Council, and that no written recommendations were received from affected taxing entities. The report of the Designated Representative with respect to the consultation was placed on file for consideration by the Council.

The Council also was informed that the proposed Amendment had been approved by the Planning and Zoning Commission as being in conformity with the general plan for development of the City as a whole, as set forth in the minutes or report of the Commission previously placed on file for consideration by the Council.

The Mayor then asked the City Clerk whether any written objections had been filed with respect to the proposed Plan, and the City Clerk reported that _____ written objections thereto had been filed. The Mayor then called for any oral objections to the adoption of the 2009 Amendment to the Bluffs Center I Urban Renewal Plan and _____ were made. The public hearing was then closed.

{Attach summary of objections here}

Council Member _____ then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING THE 2009 AMENDMENT TO THE BLUFFS CENTER I URBAN RENEWAL PLAN THEREFOR" and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION NO. 09-284

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING THE 2009 AMENDMENT TO THE BLUFFS CENTER I URBAN RENEWAL PLAN THEREFOR

WHEREAS, pursuant to Chapter 403, Code of Iowa, this City Council adopted an Urban Renewal Plan entitled Bluffs Center I Urban Renewal Plan on March 3, 1969 and said plan was filed of record in the office of the Pottawattamie County Recorder on June 3, 1970, in Book 1506, Page 350; and

WHEREAS, the Council Bluffs City Council did amend the Bluffs Center I Urban Renewal Plan by resolution adopted on July 6, 1971; and

WHEREAS, the Council Bluffs City Council did, pursuant to resolution passed on April 2, 1973, approve an amended Bluffs Center I Urban Renewal Plan, which amendatory resolution was filed of record in the office of the Pottawattamie County Recorder on October 24, 1973, at Book 73, Page 18747; and

WHEREAS, the Council Bluffs City Council did, pursuant to resolution passed on September 4, 1973, approve an amended Bluffs Center I Urban Renewal Plan, which amendatory resolution was filed of record in the office of the Pottawattamie County Recorder on October 24, 1973, at Book 73, Page 18803, and which amended Urban Renewal Plan is filed of record at Book 73, Pages 18754 through 18802; and

WHEREAS, the Council Bluffs City Council did, pursuant to resolution passed on April 1, 1974, approve an amended Bluffs Center I Urban Renewal Plan, which amendatory resolution was filed of record in the office of the Pottawattamie County Recorder on September 5, 1975, at Book 76, Page 4023; and

WHEREAS, the Council Bluffs City Council did, pursuant to resolution passed on August, 19, 1975, approve an amended Bluffs Center I Urban Renewal Plan, which amendatory resolution was filed of record in the office of the Pottawattamie County Recorder on September 5, 1975, at Book 76, Page 4028; and

WHEREAS, the Council Bluffs City Council did, pursuant to Resolution No. 84-442 passed on September 10, 1984, approve an amended Bluffs Center I Urban Renewal Plan; and

WHEREAS, the Council Bluffs City Council did, pursuant to Resolution No. 87-573 passed on December 14, 1987, approve an amended Bluffs Center I Urban Renewal Plan; and

WHEREAS, the Council Bluffs City Council did, pursuant to Resolution No. 90-008 passed on January 8, 1990, approve an amended Bluffs Center I Urban Renewal Plan; and

WHEREAS, the Council Bluffs City Council did, pursuant to Resolution No. 93-230 passed on October 25, 1993, approve an amended Bluffs Center I Urban Renewal Plan; and

WHEREAS, pursuant to Resolution No. 03-132, this City Council adopted the Downtown Redevelopment Plan for Council Bluffs on June 9, 2003 to provide the necessary guidance for future private and public redevelopment projects within the downtown planning area; and

WHEREAS, the Council Bluffs City Council did, pursuant to Resolution No. 03-218 passed on September 22, 2003, approve an amended Bluffs Center I Urban Renewal Plan; and

WHEREAS, this Urban Renewal Area, as amended, currently includes and consists of:

Beginning at the intersection of the westerly Right-of-Way line of Pearl Street and the existing centerline of Willow Avenue; thence northwesterly along said centerline of Willow to the existing centerline of South 8th Street; thence northerly along said centerline of South 8th Street to the existing centerline of 2nd Avenue; thence westerly along said centerline of 2nd Avenue to a point on the easterly right-of-way line of the Chicago Northwestern Railroad; thence northerly along said railroad right-of-way to the existing centerline of Avenue B; thence easterly along said centerline of Avenue B to the existing centerline of North 8th Street; thence north along said centerline of North 8th to the centerline of Washington Avenue; thence easterly and southeasterly along said centerline of Washington Avenue to a point on the north right-of-way line of Kanesville Boulevard; thence northeasterly along the northerly right-of-way line of Kanesville Boulevard to its intersection with the westerly right-of-way line of Oakland Avenue; thence northerly along the westerly right-of-way line of Oakland Avenue, 130 feet; thence easterly across Oakland Avenue to a point on the easterly right-of-way line of Oakland Avenue, said point being 130 feet north of the northerly right-of-way line of Kanesville Boulevard; thence continuing east-northeasterly along a line being 130 north of and parallel with the north right-of-way line of Kanesville Boulevard to the easterly right-of-way line of North Second Street; thence southerly along the easterly right-of-way line of North Second Street to its intersection with the north right-of-way line of Kanesville Boulevard; thence easterly along the northerly right-of-way line of Kanesville Boulevard to its intersection with the easterly right-of-way line of Benton Street; thence southeasterly across Kanesville Boulevard along the easterly right-of-way line of Benton Street to its intersection with the northerly right-of-way line of Broadway; thence southeasterly across Broadway to the southerly right-of-way line of Broadway; thence southwesterly along the southerly right-of-way line of Broadway to the easterly right-of-way line of Stutsman Street; thence southeasterly along the easterly right-of-way line of Stutsman Street, across Pierce Street to its intersection with the southerly right-of-way line of Pierce Street;

thence southwesterly along the southerly right-of-way line of Pierce Street, across Pierce Street to its intersection with the easterly right-of-way line of Park Avenue; thence southeasterly along the easterly right-of-way line of Park Avenue 382.5 feet; thence southwesterly across Park Avenue to the southeast corner of Lot 2, Original Plat 155; thence southwesterly along the south line of said Lot and the south line at Original Plats 160 and 163 and the southwesterly prolongation thereof to the westerly right-of-way line of Glen Avenue; thence northwesterly along the westerly right-of-way line of Glen Avenue to the southeastern corner of Lot 4, Purple's Subdivision; thence southwesterly along the south line of said Lot, and the prolongation thereof, to the east line of Lot 13, Original Plat 175; thence southeasterly along the easterly line of said Lot, 19 feet to the northeast corner of Original plat 239; thence southerly along the east line of said Lot, and the southerly prolongation thereof, 90 feet; thence northwesterly, on a line perpendicular to the easterly right-of-way line of Bluff Street, 36 feet; thence southerly on a line parallel to the easterly right-of-way line of Bluff Street, 178 feet; thence westerly on a line perpendicular to the easterly right-of-way line of Bluff Street, being along the south line of Original Plat 239, and also being along the north line of Lot 1, Block 1 in Jackson's Addition to the northeast corner of Lot 16, Block 1 Jackson's Addition; thence southerly along the easterly lines of Lots 16, 15, 14, 13, 12, 11, 10 and 9 in said Block 1 of Jackson's Addition and along its southerly prolongation, to a point on the southerly right-of-way line of Willow Avenue; thence northwesterly along the southerly right-of-way line of Willow Avenue to its intersection with the westerly right-of-way line Pearl Street; thence northerly along said westerly right-of-way line of Pearl Street to the centerline of Willow Avenue and the Point of Beginning.

WHEREAS, a proposed 2009 Amendment to the Bluffs Center I Urban Renewal Plan for the area described below has been prepared, which proposed Amendment is on file in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to update proposed project area activities, to update estimated costs and public debt and to modify the effective term of the Bluffs Center I Urban Renewal Plan; and

WHEREAS, this proposed 2009 Amendment to the Urban Renewal Area adds no new land; and

WHEREAS, the Iowa statutes require the City Council to submit the proposed 2009 Amendment to the Bluffs Center I Urban Renewal Plan to the Planning and Zoning

Commission for review and recommendation as to its conformity with the General Plan for development of the City as a whole, prior to City Council approval thereof; and

WHEREAS, adoption of the 2009 Amendment to the Bluffs Center I Urban Renewal Plan has been approved by the Planning and Zoning Commission for the City as being in conformity with the general plan for development of the City as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on August 24, 2009, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed 2009 Amendment to the Bluffs Center I Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed 2009 Amendment to the Bluffs Center I Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the Designated Representative filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Council also set a public hearing on the adoption of the proposed 2009 Amendment to the Bluffs Center I Urban Renewal Plan for this meeting of the Council, and due and proper notice of the public hearing was given, as provided by law, by timely publication in the "Daily Nonpareil", which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed 2009 Amendment to the Bluffs Center I Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and the public hearing has been closed.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA:

Section 1. That the findings and conclusions set forth or contained in the 2009 Amendment concerning the area of the City of Council Bluffs, State of Iowa, described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Council for this area.

Section 2. This Council further finds:

A. Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Bluffs Center I Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

B. The Plan and 2009 Amendment to the Bluffs Center I Urban Renewal Plan conform to the general plan for the development of the City as a whole; and

C. Acquisition by the City is not expected, however, as to any areas of open land to be acquired by the City included within the Bluffs Center I Urban Renewal Area:

1. Residential use is not expected, however, with reference to any portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

A. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

B. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

C. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

D. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

2. Non-residential use is expected and with reference to those portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth

and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the Bluffs Center I Urban Renewal Area, as amended, is a blighted area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this City.

Section 4. That the 2009 Amendment to the Bluffs Center I Urban Renewal Plan of the City of Council Bluffs, State of Iowa, attached hereto as Exhibit A and incorporated herein by reference, be and the same is hereby approved and adopted as the "2009 Amendment to the Bluffs Center I Urban Renewal Plan for the City of Council Bluffs, State of Iowa"; the 2009 Amendment to the Bluffs Center I Urban Renewal Plan of the City of Council Bluffs, State of Iowa, is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of the 2009 Amendment with the proceedings of this meeting.

Section 5. That the Bluffs Center I Urban Renewal Plan, as so amended, shall be in full force and effect from the date of this Resolution until the later of the date of termination set forth in the Plan, as so amended, or the date on which payment of all obligations issued or advances made to carry out the purposes thereof shall be fully provided for. The proposed 2009 Amendment to the Bluffs Center I Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Pottawattamie County, Iowa, to be filed and recorded in the manner provided by law.

Section 6. That all other provisions of the Plan not affected or otherwise revised by the terms of the 2009 Amendment thereto, as well as Resolution No. _____ previously adopted by this City Council be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 28th day of September, 2009.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the City Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this 29th day of September, 2009.

Marcia L. Worden, City Clerk
City of Council Bluffs, State of Iowa

(SEAL)

Council Communication
September 28, 2009 City Council Meeting

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: <u>09 -285</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: 9-28-09
Subject/Title		
Resolution authorizing the Mayor to execute a development agreement with the Hughes-Iron Facilities Corporation		
Background/Discussion		
<p>The Hughes Irons Facility Corporation (Developer) has proposed the acquisition of properties located at 149 and 153 West Broadway. These properties have been most recently occupied by furniture, second hand retail and appliance sales. The original occupant of the building was the Hughes Irons Motor Company which sold and serviced automobiles. The Developer requested tax increment financing (TIF) to assist in the renovation of the building. Since the building is located in the Bluffs Center I Urban Renewal Area, TIF is potentially available for the project.</p> <p>The proposed project includes renovation of the building for an estimated \$6,670,000 resulting in 13,000 square feet of commercial space, 17 residential apartments, and 19 interior parking spaces. We understand that project financing sources include New Market Tax Credit equity, PCDC loans and grants, 26% historic tax credit equity, deferred developer fees, private loans and public incentives. The anticipated assessed value of the project upon completion is estimated at \$1,655,000. This represents an increase of \$1,315,000 over the current base value of \$340,000. The additional assessed value is anticipated to generate approximately \$49,013 annually in additional taxes of which \$41,661 can be captured through TIF. The Developer is requesting an 85% TIF rebate amount to \$41,661 annually or \$624,915 over 15 years. A development agreement, consistent with the letter of intent endorsed by City Council on June 22, 2009, has been prepared which provides an 85% TIF for a period of 15 years. The agreement requires a minimum assessed valuation agreement in the amount of \$1,655,000 for the entire term of the agreement.</p> <p>Ahlers & Cooney, P.C. have prepared a resolution authorizing the execution of a development agreement for the project.</p>		
Recommendation		
Adoption of the Resolution		
Attachments		
The development agreement discussed above has been provided under separate cover.		

Submitted by: Donald D. Gross, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the City of Council Bluffs, State of Iowa.
Date of Meeting: September 28, 2009.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

Bluffs Center I Urban Renewal Area

- Public hearing on the proposal to enter into a Development Agreement with Hughes-Iron Facilities Corporation.
- Resolution approving and authorizing execution of a Development Agreement by and between the City of Council Bluffs and Hughes-Iron Facilities Corporation.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

Marcia L. Worden, City Clerk
City of Council Bluffs, State of Iowa

September 28, 2009

The City Council of the City of Council Bluffs, State of Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P.M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the proposal to approve and authorize execution of a Development Agreement by and between the City of Council Bluffs and Hughes-Iron Facilities Corporation, and that notice of the proposed action by the Council to enter into said Agreement had been published pursuant to the provisions of Section 364.6 of the City Code of Iowa.

The Mayor then asked the Clerk whether any written objections had been filed by any City resident or property owner to the proposed action. The Clerk advised the Mayor and the Council that _____ written objections had been filed. The Mayor then called for oral objections and _____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections received or made, if any)

The Council then considered the proposed action and the extent of objections thereto.

Whereupon, Council Member _____ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF COUNCIL BLUFFS AND HUGHES-IRON FACILITIES CORPORATION", and moved:

 / / that the Resolution be adopted.

 / / to ADJOURN and defer action on the Resolution and the proposal to the meeting to be held at _____ o'clock __.M. on the _____ day of _____, 2009, at this place.

Council Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

RESOLUTION NO. 09-285

RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF A DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF COUNCIL BLUFFS AND HUGHES-
IRON FACILITIES CORPORATION

WHEREAS, by Resolution adopted March 3, 1969, and to be amended most recently on September 28, 2009, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Bluffs Center I Urban Renewal Plan (the

"Plan") for the Bluffs Center I Urban Renewal Plan Area (the "Bluffs Center I Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, it is desirable that properties within the Project Area be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, the City has received a proposal from Hughes-Iron Facilities Corporation (the "Developer"), in the form of a proposed Development Agreement (the "Agreement") by and between the City and the Developer, pursuant to which, among other things, the Developer would agree to construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Bluffs Center I Urban Renewal Project Area as defined and legally described in the Agreement and consisting of the rehabilitation of a current building in a blighted condition into a 49,225 square foot reconstructed facility consisting of a basement, first floor, mezzanine and second floor on property being acquired from the Pottawattamie County Development Corporation for the purpose of mixed commercial and residential uses, including parking, together with all related site improvements, as outlined in the proposed Development Agreement; and

WHEREAS, the Agreement further proposes that the City will make up to fifteen (15) years of thirty (30) consecutive semi-annual payments to Developer in the form of rebates of Tax Increments, the cumulative total for all such payments not to exceed the lesser of \$625,000, or the amount accrued under the formula outlined in the proposed Development Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, Iowa Code Chapters 15A and 403 authorize cities to make loans and grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapters, and to levy taxes and assessments for such purposes; and

WHEREAS, the Council has determined that the Agreement is in the best interests of the City and the residents thereof and that the performance by the City of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the City's performance thereunder is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapters 15A and 403 of the Iowa Code taking into account the factors set forth in Chapter 15A, to wit:

- a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.
- b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes or which generate tourism-related activities.
- c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.
- d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds; and

WHEREAS, pursuant to notice published as required by law, this Council has held a public meeting and hearing upon the proposal to approve and authorize execution of the Agreement and has considered the extent of objections received from residents or property owners as to said proposed Agreement; and, accordingly the following action is now considered to be in the best interests of the City and residents thereof.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA:

Section 1. That the performance by the City of its obligations under the Agreement, including but not limited to making of loans and grants to the Developer in connection with the development of the Development Property under the terms set forth in the Agreement, be and is hereby declared to be a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the City's performance thereunder is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapters 15A and 403 of the Iowa Code, taking into account the factors set forth therein.

Section 2. That the form and content of the Agreement, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Mayor and the City Clerk be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Agreement for and on behalf of the City in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Agreement, the Mayor and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.

PASSED AND APPROVED this 28th day of September, 2009.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the City Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this _____ day of _____, 2009.

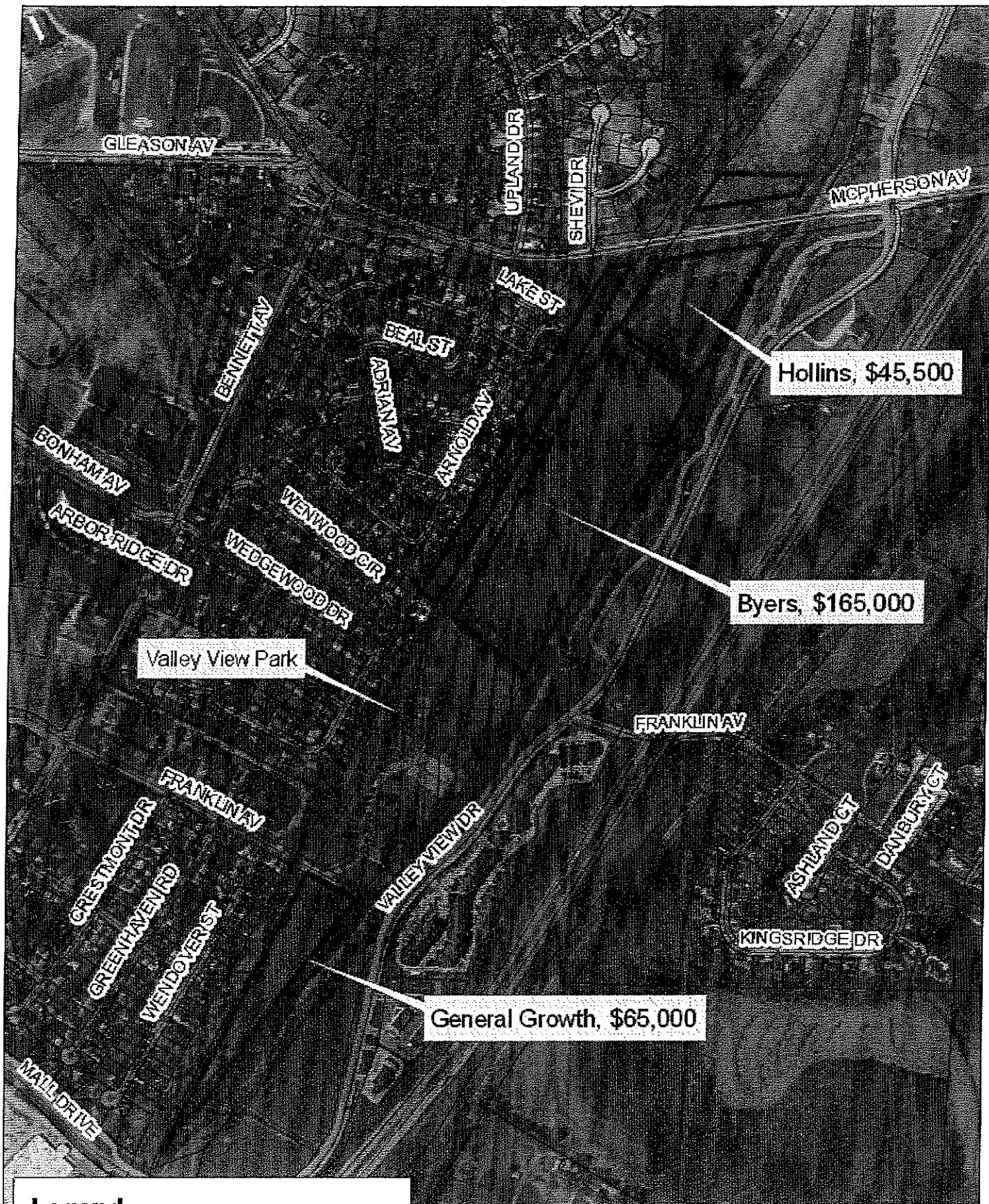
Marcia L. Worden, City Clerk
City of Council Bluffs, State of Iowa

(SEAL)

Council Communication

Department: Community Development Case No. N/A Applicant: Community Development	Resolution No. <u>09-286</u>	Public hearing: September 28, 2009
<p align="center">Subject/Title</p> Acquisition of a parcel owned by Mall of the Bluffs, LLC along Valley View Drive for the expansion of park land and recreation uses.		
<p align="center">Background/Discussion</p> <p>The Community Development Department and its representatives have initiated discussion with three property owners along Valley View Drive for the voluntary acquisition of property to be used for park purposes. The properties are near existing Valley View Park. Of the three properties, one has indicated a willingness to sell voluntarily. Negotiations have begun with the remaining two property owners. Although every attempt will be made to acquire the Mall of the Bluffs, LLC parcel on a voluntary basis, condemnation may be ultimately used. The property to be acquired includes:</p> <p><u>Mall of the Bluffs Partners c/o General Growth Properties</u>: parts of Lot 3 of the SE1/4 SW1/4, Lot 5 of the SW1/4 SW1/4 and Lot 6 of the NE1/4 SW1/4, all in Section 32, Township 75, Range 43, Council Bluffs, Pottawattamie County, Iowa.</p>		
<p align="center">Recommendation</p> <p>Community Development Department recommends approving the resolution authorizing City staff and the Mayor to initiate condemnation proceedings against Mall of the Bluffs, LLC for the property located south of Valley View Park between Mosquito Creek and the railroad tracks, which is legally described as parts of Lot 3 of the SE1/4 SW1/4, Lot 5 of the SW1/4 SW1/4 and Lot 6 of the NE1/4 SW1/4, all in Section 32, Township 75, Range 43, Council Bluffs, Pottawattamie County, Iowa, as a part of the Valley View Park expansion project.</p>		
Attachment: Location Map		
Prepared by: Rose E. Brown, Urban Planner Approved by Donald D. Gross, Director		

Valley View Drive Acquisitions



PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 09-286

A RESOLUTION AUTHORIZING THE CITY STAFF TO INITIATE CONDEMNATION PROCEEDINGS AGAINST MALL OF THE BLUFFS, LLC FOR THE PROPERTY GENERALLY LOCATED SOUTH OF VALLEY VIEW PARK BETWEEN MOSQUITO CREEK AND THE RAILROAD TRACKS, LEGALLY DESCRIBED AS PARTS OF LOT 3, SE1/4 SW1/4, LOT 5 SW1/4 SW1/4 AND LOT 6 NE1/4 SW1/4, ALL IN SECTION 32, TOWNSHIP 75, RANGE 43, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, AS A PART OF THE VALLEY VIEW PARK EXPANSION PROJECT.

WHEREAS, The City wishes to acquire property owned by Mall of the Bluffs Partners, c/o General Growth Properties legally described as parts of Lot 3 of the SE1/4 SW1/4, Lot 5 of the SW1/4 SW1/4 and Lot 6 of the NE1/4 SW1/4, all in Section 32, Township 75, Range 43, Council Bluffs, Pottawattamie County, Iowa for the Valley View Drive Project; and

WHEREAS, The property is currently in row crops; and

WHEREAS, The City has had the property appraised and tried in good faith to negotiate a purchase price with the owner; and

WHEREAS, The City and the property owner have failed to come to an agreement about the value of the property.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That City staff and the Mayor are hereby authorized and directed to initiate condemnation proceedings against Mall of the Bluffs, LLC for the property located south of Valley View Park between Mosquito Creek and the railroad tracks, which is legally described as parts of Lot 3 of the SE1/4 SW1/4, Lot 5 of the SW1/4 SW1/4 and Lot 6 of the NE1/4 SW1/4, all in Section 32, Township 75, Range 43, Council Bluffs, Pottawattamie County, Iowa, as a part of the Valley View Park expansion project.

ADOPTED
AND
APPROVED

September 28, 2009

Thomas P. Hanafan, Mayor

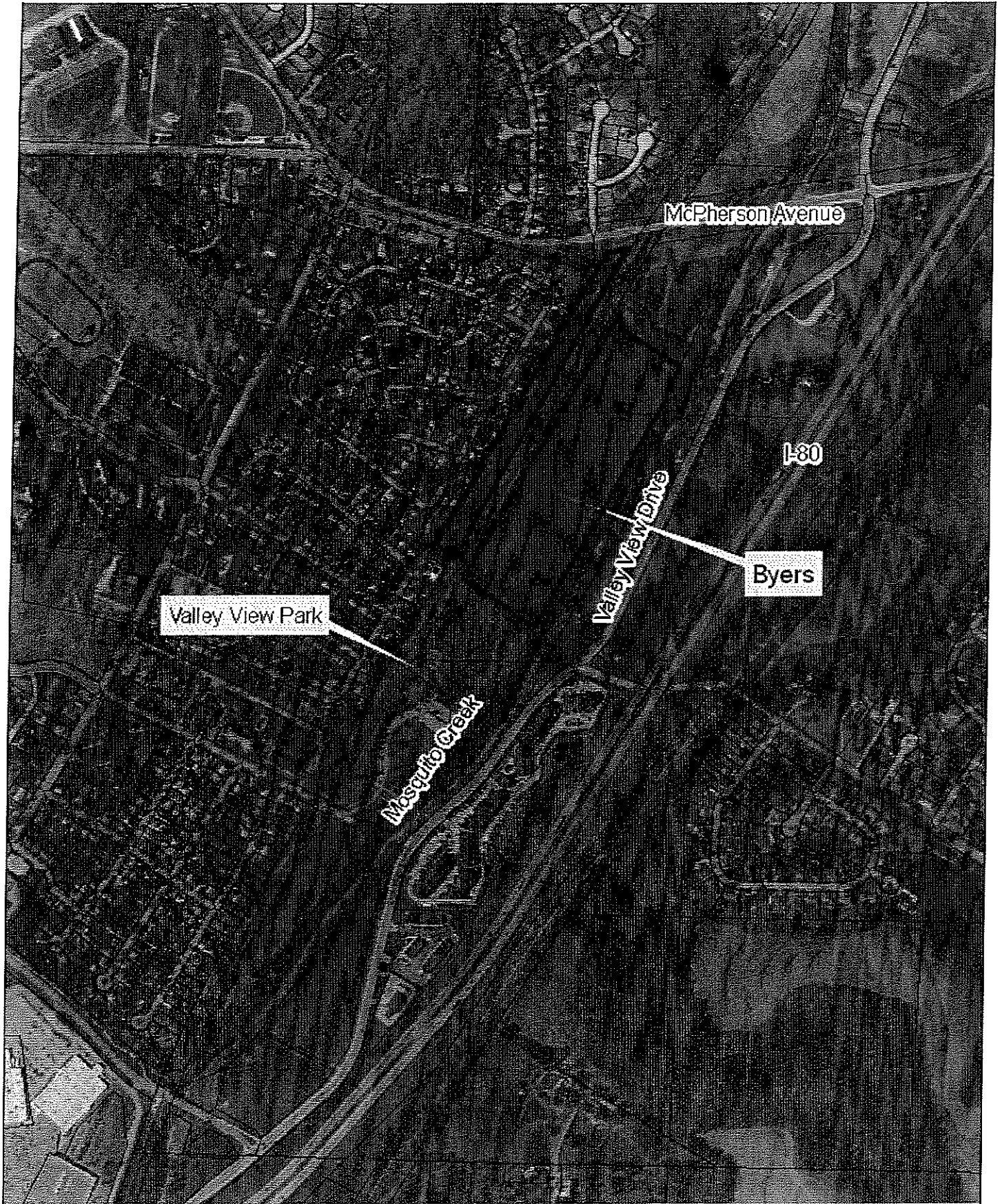
ATTEST:

Marcia L. Worden, City Clerk

Council Communication

Department: Community Development Case No. N/A Applicant: Community Development	Resolution No. _____	Public hearing: September 28, 2009
<p align="center">Subject/Title</p> Acquisition of a parcel owned by Robert and Jocelyn Byers along Valley View Drive for the expansion of park land and recreation uses.		
<p align="center">Background/Discussion</p> <p>The Community Development Department and its representatives have initiated discussion with three property owners along Valley View Drive for the voluntary acquisition of property to be used for park purposes. The properties are near existing Valley View Park. Of the three properties, one has indicated a willingness to sell voluntarily. Negotiations have begun with the remaining two property owners. Although every attempt will be made to acquire the Byers parcel on a voluntary basis, condemnation may be ultimately used. State law sets specific procedures to be followed on the condemnation of agricultural properties. These include a 30-day written, mailed notice along with publication. The property to be acquired includes:</p> <p><u>Robert and Jocelyn Byers</u>: part of Lots 1, 2 and 3 SW1/4 NE1/4, Part of Lot 1 in the SW1/4 NW1/4 and Part of Lots 2 and 5 in the NW1/4 NE1/4 all in Section 32, Township 75, Range 43, lying Northwest of Mosquito Creek, Council Bluffs, Pottawattamie County, Iowa.</p> <p>The appropriate 30-day notice related to this property has not been sent. Therefore, the public hearing should be rescheduled for November 9, 2009 to accommodate the appropriate notifications.</p>		
<p align="center">Recommendation</p> <p>Community Development Department recommends continuing the public hearing to November 9, 2009 to consider the initiation of condemnation proceedings against Robert and Jocelyn Byers along Valley view Drive for the expansion of parkland.</p>		
Attachment: Location Map		
Prepared by: Rose E. Brown, Urban Planner Approved by Donald D. Gross, Director		

Valley View Drive



COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading September 28, 2009
Case/Project No.: FY09-05B2 Resolution No. 09-288
Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting October 20, 2009, at 10:00 a.m. as the date and time for the bid opening for Valley View Extension Project II. Project # FY09-05B2.

BACKGROUND/DISCUSSION

- Valley View Drive was extended from McPherson Avenue to College Road in 2003.
- In 2004, College Road was reconstructed from Mosquito Creek to Valley View Drive extension as well as reconstruction of College Road from Valley View extension east to the college access.
- In 2007-2008 Project I of the current Valley View extension reconstructed College Road from Mosquito Creek to Indian Hills Drive.
- Construction of an extension of Valley View Drive would provide a direct connection to the intersection of Hwy. 6 and Railroad Ave. and would provide access for development of the area north of College Road and west of Iowa Western Community College.
- Project II extension of Valley View Drive from College Road at Indian Hills Drive to Hwy. 6 has been delayed due to right-of-way acquisitions and negotiations with NuStar Petroleum Co. pipeline.
- Relocation of NuStar Petroleum Co. pipeline will be by the company and reimbursed by the City, per previous council approved agreement.
- A summary of the estimated costs for Project II are as follows:

Right-Of-Way and Legal	\$ 750,000.00	(complete)
NuStar Petroleum Pipeline Relocation	\$ 372,000.00	(under construction)
Clearing & Grubbing Contract	\$ 60,000.00	(complete)
Valley View Extension Project II	\$1,900,000.00	(estimate)
Construction Engineering	<u>\$ 150,000.00</u>	(estimate)
Estimated Total Project Cost	\$3,232,000.00	

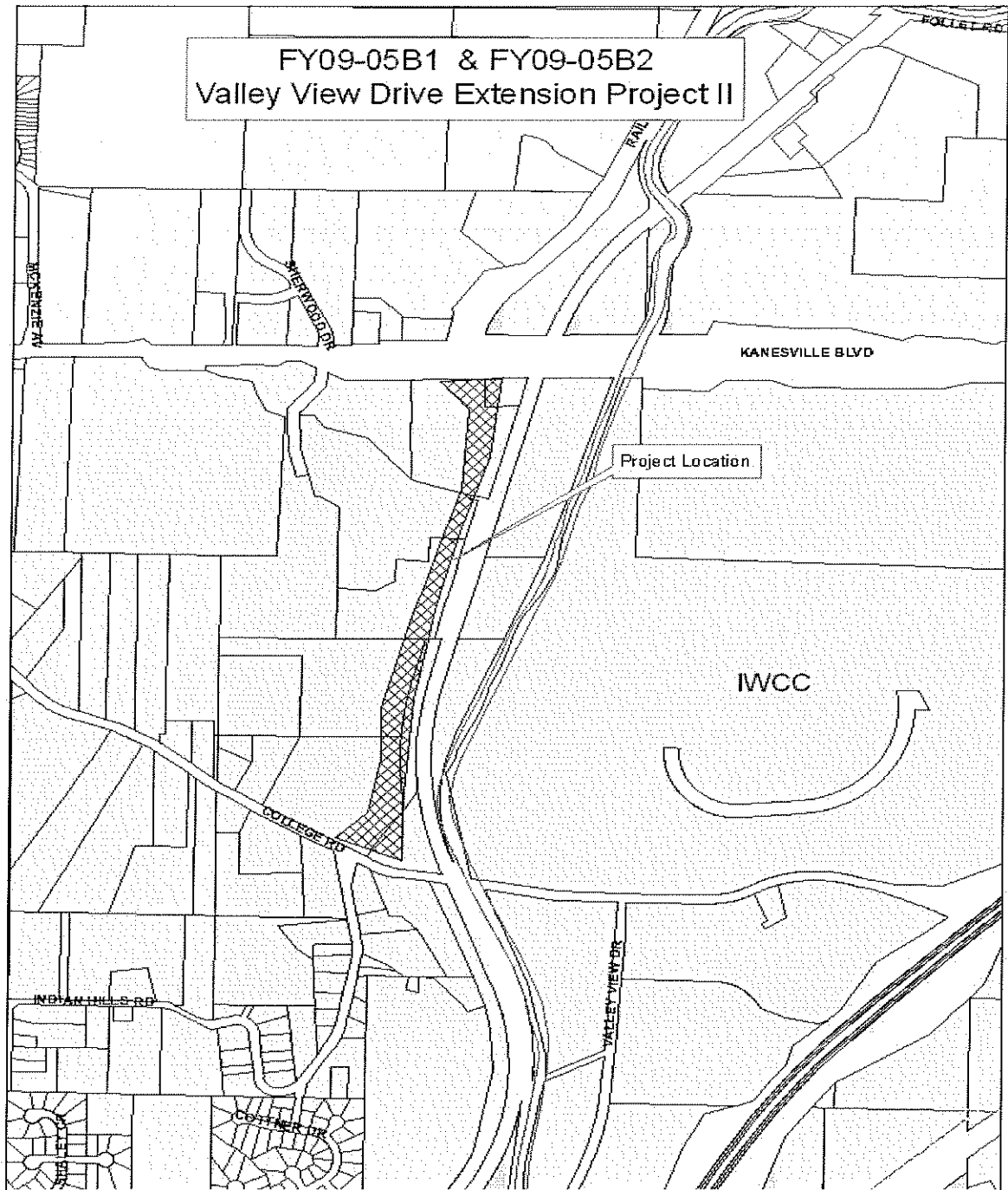
- This project FY09-05B2 is in the CIP and will be funded with GO Bonds and Sales Tax.
- The schedule of Project II is:

Set Public Hearing	09/14/09
Hold Public Hearing	09/28/09
Bid Letting	10/20/09
Award	10/26/09

RECOMMENDATION

Approval of this resolution.

FY09-05B1 & FY09-05B2
Valley View Drive Extension Project II



RESOLUTION
NO 09-288

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
VALLEY VIEW DRIVE EXTENSION PROJECT II
FY09-05B2**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Valley View Drive Extension Project II; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on September 28, 2009.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the Valley View Drive Extension Project II and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED September 28, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading September 28, 2009

Case/Project No.: FY10-22

Resolution No. 09-289

Applicant: Greg Reeder, Public Works Director

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting November 5, 2009, at 10:00 a.m. as the date and time for the bid opening for Demolition of Abandoned Buildings Located at 2325 Nash Blvd.. (The old Holiday Inn). Project #FY10-22.

BACKGROUND/DISCUSSION

- On August 31, 2004, the Holiday Inn located at 2325 Nash Blvd. was posted by the city Building Permits Division to stop work, vacate, secure and come into compliance with the City Building Code.
- On July 2, 2008, City Building Permits Division requested that City Legal Department to process 2325 Nash Blvd. as an abandoned property in accordance with State Code 657A.
- Through appropriate legal action the city has attained a court trial on October 1, 2009, for the District Court to rule on the abandonment petition and place the city in ownership of the property at 2325 Nash Blvd.
- In anticipation of a favorable court ruling, the bid process will start now to expedite the demolition. If the city does not receive title to the property in the court proceedings, the request for bids will be cancelled.
- Estimated project cost is \$600,000.

- Project schedule to execute demolition:

Set Public Hearing	September 14, 2009
Hold Public Hearing	September 28, 2009
Trial Date	October 1, 2009
Bid Letting	November 5, 2009
Award Contract	November 9, 2009
Complete Demolition	April 30, 2010

RECOMMENDATION

Approval of this resolution.

RESOLUTION
NO 09-289

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
DEMOLITION OF ABANDONED BUILDINGS LOCATED AT
2325 NASH BLVD. (THE OLD HOLIDAY INN)
PROJECT #FY10-22**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Demolition of Abandoned Buildings Located at 2325 Nash Blvd., (The Old Holiday Inn); and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on September 28, 2009.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the Demolition of Abandoned Buildings Located at 2325 Nash Blvd., (The Old Holiday Inn) and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED September 28, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

Council Commission

Department: Community Development Case No. ZC-09-006 Applicant: Council Bluffs Community School District	Ordinance No. <u>6043</u>	City Council: September 28, 2009 Planning Commission Meeting: September 8, 2009 First Reading <u>9/28/2009</u> Second Reading <u>10/12/2009</u> Third Reading _____
--	---------------------------	---

Subject/Title

Rezone Lot 5, New Horizon Subdivision from A-2/Parks, Estates and Agricultural to R-3/Low Density Multi-family Residential. Location: West side of Valley View Drive, south of College Road.

Background/Discussion

Council Bluffs Community School District has a contract to purchase Lot 5, New Horizon Subdivision from New Horizon Presbyterian Church. The school district intends to build a new elementary school on the 16 acre site located along the west side of Valley View Drive. New Horizon Subdivision was platted into seven lots by Resolution No. 06-151 dated June 12, 2006. Each lot has direct access to Valley View Drive.

Lots 5, 6 and 7 on the west side of Valley View Drive retained the A-2/Parks, Estates and Agricultural District zoning. The church intended to use some of that land for playing fields. Schools are not a permitted use in an A-2 District. Rezoning as shown on the map became effective with final plat approval. New Horizon Presbyterian Church built on Lot 2, is zoned R-3. Construction has not begun for a senior living community proposed for Lot 3 or a single family residential subdivision proposed for Lot 4. No abutting property owners have responded to the notice of the proposed rezoning.

All utilities can be extended to serve the proposed school. MidAmerican Energy has overhead and underground electric lines in the vicinity. All costs to extend or relocate these facilities will be borne by the owner. Easements necessary for new access will be provided to MidAmerican at no cost. Arrangements are almost complete for installation of streetlights along Valley View Drive. Public streets, water, storm and sanitary sewer systems are available with adequate capacity to serve the proposed use. Mosquito Creek is the western property boundary. Much of Lot 5 is in flood plain or floodway. The school district is aware of the limitations to the buildable area on the lot and the need to bring in fill to elevate the land to comply with flood plain management regulations. See the 'existing conditions' attachment.

The future land use map in the 1994 Comprehensive Plan shows the land west of Valley View Drive as vacant, agricultural and floodway use with residential uses to the east. The proposed rezoning is generally consistent with the future land use in the Comprehensive Plan when considering the proposed school/adjacent land use along with the need to comply with the federally mandated flood plain management requirements.

Recommendation

The Community Development Department recommends rezoning Lot 5, New Horizon Subdivision from A-2/Parks, Estates and Agricultural to R-3/Low Density Multi-family Residential, subject to proof of acquisition of Lot 5 by the Council Bluffs Community School District.

Public Hearing

Greg Rodgers, Board of Education, Glen Mitchell, School Board Member and Ron Tekippe, HGM & Associates, Inc. appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Council Bluffs Community School District acquired Lot 5, New Horizon Subdivision eliminating the condition recommended by the Community Development Department.

The Planning Commission recommends rezoning Lot 5, New Horizon Subdivision from A-2/Parks, Estates and Agricultural to R-3/Low Density Multi-family Residential.

VOTE: AYE 8 NAY 1 ABSTAIN 1 ABSENT 1 Motion: Carried

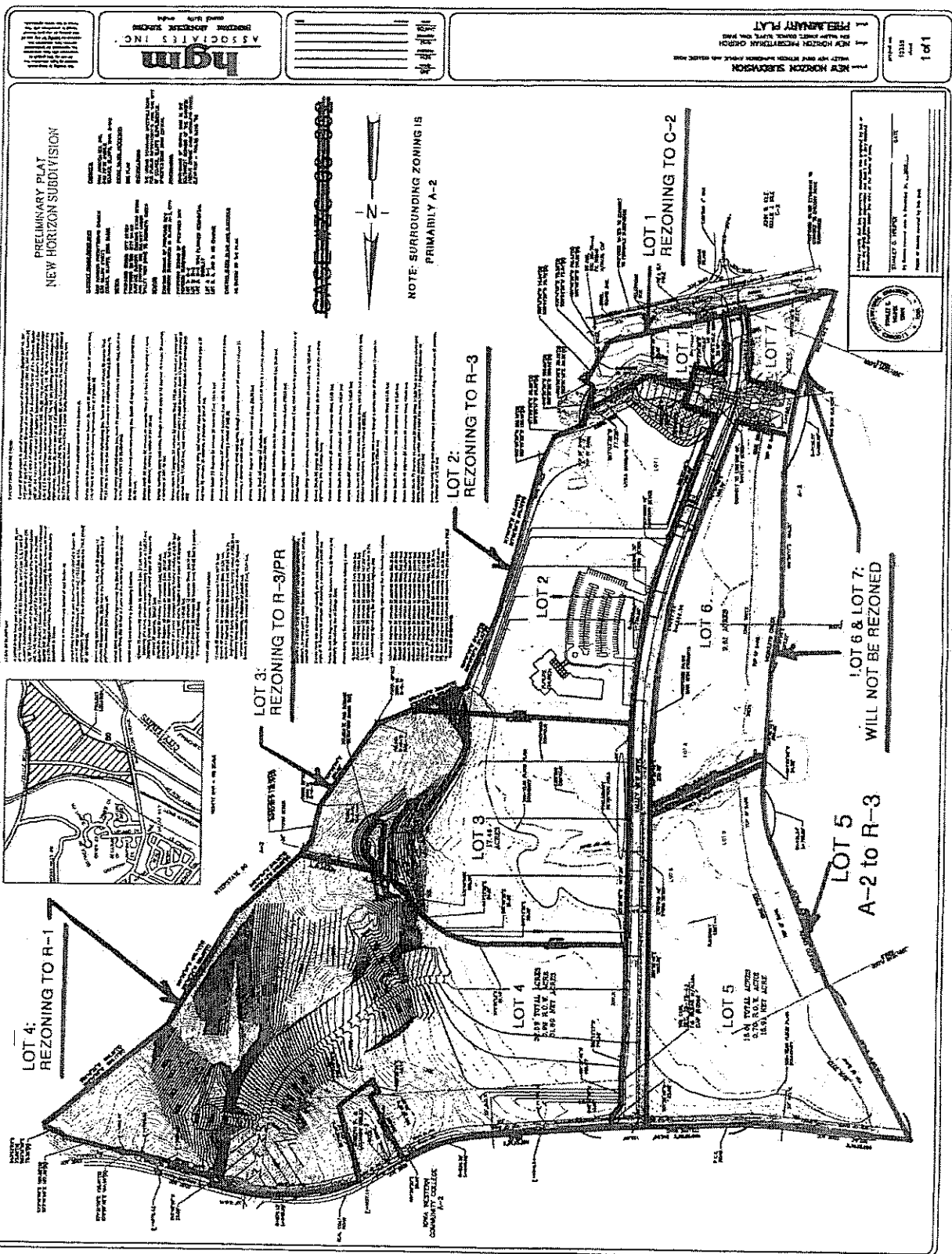
Owner: New Horizon Presbyterian Church, 30 Valley View Dr., Council Bluffs, IA 51503

Applicant: Council Bluffs Community School District

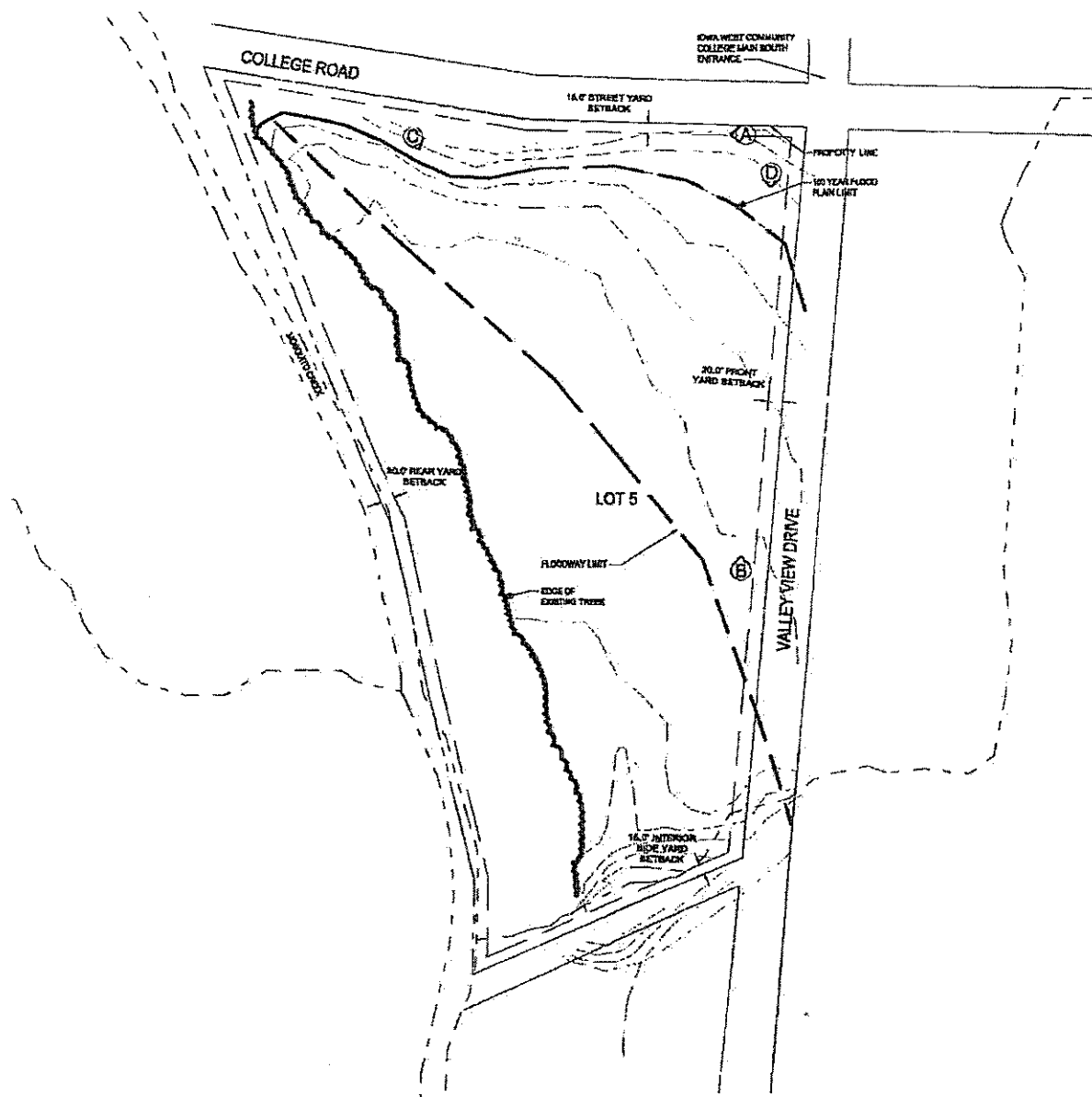
Attn: Greg Rodgers, Secretary to the Board of Education, 12 Scott St., Council Bluffs, IA 51503

Attachments: Zoning Map and Existing Conditions

Prepared by: Gayle M. Malmquist, Development Services Coordinator



CASE #ZC-09-006



EXISTING CONDITONS

1" = 200'-0"

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: Civ Clerk, 209 Pearl Street, Council Bluffs, IA

ORDINANCE NO. 6043

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF VALLEY VIEW DRIVE, SOUTH OF COLLEGE ROAD, FROM A-2/PARKS, ESTATES AND AGRICULTURAL TO R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.05 AND 15.10 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises generally located on the west side of Valley View Drive, south of College Road, legally described as follows:

Lot 5, New Horizon Subdivision, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as A-2/Parks, Estates and Agricultural, to R-3/Low Density Multi-Family Residential, as set forth and defined in Chapters 15.05 and 15.10 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN

Mayor

Attest:

MARCIA L. WORDEN

City Clerk

FIRST CONSIDERATION: September 28, 2009
SECOND CONSIDERATION: October 12, 2009
PUBLIC HEARING: October 12, 2009
THIRD CONSIDERATION: